

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PROFESSIONAL ENGINEERS ACT

(CHAPTER 253)

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29 of 1970**

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Professional Engineers Act

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An Act to incorporate the Professional Engineers Board, to make provision for the registration of professional engineers and for purposes connected therewith.

[2nd January 1971]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Professional Engineers Act.

Interpre-
tation.

2. In this Act, unless the context otherwise requires —
- “Board” means the Professional Engineers Board established under section 3;
- “member” means a member of the Board and includes the President of the Board;
- “professional engineer” means a person who is engaged in professional engineering work;
- “professional engineering work” includes any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation in connection with any public or privately owned public utilities, structures, buildings, machines, equipment, processes, works or projects wherein the public interest and welfare, or the safeguarding of

life, public health or property is concerned or involved, when such professional service requires the application of engineering principles and data; “registered” means registered under this Act, and cognate expressions shall be construed accordingly; “Registrar” means the Registrar of the Board.

PART II

PROFESSIONAL ENGINEERS BOARD

3.—(1) There shall be a board to be called the Professional Engineers Board which shall be a body corporate with perpetual succession and a common seal and which may sue and be sued.

Establishment of Professional Engineers Board.

(2) The Board shall consist of —

- (a) a president appointed by the Minister;
- (b) eight members appointed by the Minister, of whom 3 shall be appointed on the nomination of the Council of the Institution of Engineers; and
- (c) a member appointed by the Minister on the nomination of the Board of Architects.

(3) Not less than 3 members appointed under subsection (2) (b) shall be in private practice, and not more than 3 members shall be representative of any particular branch of engineering.

(4) A member, including the President of the Board, shall be appointed for a term not exceeding 3 years but may from time to time be reappointed, or may at any time be removed from office by the Minister.

(5) If any member dies, resigns, or is removed from office, the vacancy so created shall, as soon as practicable, be filled in the manner in which the appointment to the vacant office was made; and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.

(6) The powers of the Board shall not be affected by any vacancy in its membership.

(7) At any meeting of the Board 6 members shall form a quorum and no business shall be transacted at any meeting unless a quorum is present.

(8) At any meeting of the Board the President of the Board shall preside and in his absence the members present shall elect one of their number to preside over the meeting.

(9) If on any question to be determined by the Board there is an equality of votes, the President of the Board or the member presiding over that meeting shall have a casting vote.

(10) Subject to the provisions of this Act, the Board may determine its own procedure.

(11) The Board shall cause proper records of its proceedings to be kept.

Common seal
of Board.

4.—(1) The common seal of the Board shall bear such device as the Board may approve and the seal may from time to time be broken, changed, altered or made anew by the Board as it may think fit.

(2) The common seal shall be kept in the custody of the President of the Board and shall be authenticated by the President of the Board or other member acting in the absence of the President of the Board and any document purporting to be sealed and authenticated as aforesaid shall, until the contrary is proved, be deemed to be validly executed.

Functions
of Board.

5. The functions of the Board shall be —

- (a) to keep and maintain a register of professional engineers;
- (b) to approve or reject applications for registration under this Act or to approve any such applications subject to such restrictions as it may think fit to impose;
- (c) to determine and regulate the professional conduct or ethics of the engineering profession;
- (d) to hear and determine disputes relating to professional conduct or ethics of professional engineers or to appoint a committee or arbitrator to hear and determine those disputes; and
- (e) generally to do all such acts, matters and things as are necessary to be carried out under the provisions of this Act.

PART III

REGISTRATION OF PROFESSIONAL ENGINEERS

6.—(1) The Board shall keep and maintain a register of professional engineers in which shall be entered the names of all persons registered under this Act, the qualifications by virtue of which they are so registered and such other particulars in relation thereto as may from time to time be determined by the Board. Register.

(2) There shall be indicated against each person's name in the register the branch or branches of engineering in which that person is in the opinion of the Board qualified to practise.

7.—(1) The Minister may appoint a Registrar of the Board. Appointment and duties of Registrar.

(2) The Registrar shall be under the general direction of the Board and shall sign all certificates of registration and record all entries of registration, cancellations and reinstatements in the register.

(3) The Registrar shall attend all meetings of the Board and record the proceedings thereof, and shall conduct the correspondence and deal with such matters as may be assigned to him by the President of the Board or by the Board.

(4) The Registrar shall —

(a) as soon as may be convenient after 1st January each year, prepare and publish in the *Gazette* a list containing the names, qualifications (including the branch or branches of engineering to which the qualifications relate) and addresses of all professional engineers; and

(b) from time to time publish in the *Gazette* the names, qualifications and addresses of professional engineers added to or removed from the register.

(5) In any proceedings a list published under subsection (4) shall be prima facie evidence that the persons whose names appear therein are registered professional engineers.

Qualifications for registration as professional engineers. 11/77 30/80.

8.—(1) Subject to this section, the following persons shall, on payment of the prescribed fee, be entitled to registration under this Act as professional engineers:

- (a) any person holding the Degree of Bachelor of Engineering from the National University of Singapore or the University of Singapore or the Professional Diploma in Engineering from the Singapore Polytechnic;
- (b) any person holding any other degree, diploma or qualification which the Minister may, after consultation with the Board and by notification in the *Gazette*, approve for the purpose of entitling the holder thereof to be registered under this Act;
- (c) any person who satisfies the Board that he is otherwise qualified by having proper and recognised training in engineering and who passes such examinations as the Minister may, in consultation with the Board, require;
- (d) any person not falling within paragraph (a), (b) or (c) who, immediately before 1st April 1978 is a registered professional engineer whose registration has not been cancelled.

30/80.

(2) Subject to subsection (3), no person shall be entitled to registration under subsection (1) (a), (b) or (c) unless he can satisfy the Board that he has had after obtaining his qualifications —

- (a) practical experience in engineering work at professional level for a continuous period of not less than two years and has passed such professional practice examination as may be prescribed or approved by the Board;
- (b) practical experience in engineering work of not less than 5 years, of which at least two years shall be practical experience gained in engineering work at professional level in Singapore; or
- (c) such practical experience in engineering work at professional level of not less than 10 years as may be recognised by the Board.

(3) The Minister may after consultation with the Board 30/80. exempt, subject to such conditions as he thinks fit, any person from the requirements of subsection (2).

(4) The Board may refuse to register any applicant who is in the opinion of the Board —

- (a) not of good character and reputation; or
- (b) unable to carry out the duties of a professional engineer effectively.

(5) Any person whose application for registration has been refused by the Board may appeal to the High Court whose decision shall be final.

(6) The Board may register any Government professional engineer entitled to registration under this section without payment of the prescribed fee.

9. Every application for registration under this Act shall be made to the Board in such form or manner as may be prescribed. Application for registration.

10.—(1) Every person registered as a professional engineer under this Act shall, on payment of the prescribed fee, be entitled to receive a certificate of registration under the hand of the Registrar. Certificates of registration.

(2) Every such certificate of registration shall, subject to the provisions of this Act, expire on 31st December of the year in which it is issued and shall thereafter be renewable annually upon payment of the prescribed fee.

(3) This section shall not apply to a Government professional engineer registered under this Act.

11. Every registered professional engineer shall notify the Registrar of any change in his business address. Notification of change of address.

PART IV

CANCELLATION, SUSPENSION, REMOVAL AND REINSTATEMENT

12.—(1) Subject to this section, the Board may by order cancel the registration of any professional engineer or suspend him from practice for a period not exceeding one year under any of the following circumstances: Cancellation of registration or suspension from practice. 11/77.

- (a) if he is convicted of any offence involving fraud or dishonesty or moral turpitude;

- (b) if he offers or accepts any commission which in the opinion of the Board is an illicit commission;
- (c) if his registration under this Act has been obtained by fraud or misrepresentation;
- (d) if his qualification for registration under section 8 has been withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
- (e) if he has been guilty of such improper act or conduct as renders him, in the opinion of the Board, unfit to be a registered professional engineer;
- (f) if it appears to the Board that he has contravened any provision of the code of professional conduct and ethics prescribed by rules made under section 22; or
- (g) if it appears to the Board that he is no longer in a position to carry out the duties of a professional engineer effectively.

(2) The Board may, in any case in which it considers that no cause of sufficient gravity for cancellation of registration or suspension from practice exists —

- (a) by order impose on the professional engineer a penalty not exceeding \$1,000; or
- (b) by writing under the hand of the President of the Board censure the professional engineer.

11/77.

(3) The Board shall not exercise its powers under subsection (1) or (2) unless —

- (a) there has been a hearing at which at least two-thirds of the total number of the members are present; and
- (b) an opportunity of being heard either personally or by counsel has been given to the professional engineer against whom the Board intends to exercise its powers.

(4) Every penalty imposed by the Board under subsection (2) shall be recoverable as a debt due to the Board.

13. Any person who is dissatisfied with any order of cancellation or suspension or any imposition of penalty made by the Board under section 12 may, within 30 days after the order has been communicated to him, appeal to the High Court whose decision shall be final.

Appeal against cancellation of registration or suspension. 11/77.

14.—(1) If at any time a complaint is made to the Board by any person as to any defect or fault in the work of a registered professional engineer, the Board may appoint a competent person to inquire and make an inspection report to the Board on the matter of the complaint.

Suspension of professional engineer after inspection report of defective work.

(2) If as a result of such inquiry and report the Board is of the opinion that there is a *prima facie* case for the cancellation of registration of the professional engineer, the Board may forthwith suspend the registration of the professional engineer for a period not exceeding 6 months pending the decision of the Board.

15. There shall be removed from the register the name and other particulars of any registered professional engineer —

Removal from register.

- (a) who has died;
- (b) who has failed to renew his certificate of registration within one month of the date of the expiry thereof; or
- (c) whose registration has been cancelled under section 12.

16.—(1) Any person whose name has been removed from the register under section 15 (b) shall be reinstated as soon as possible after he has notified the Registrar of his desire to be reinstated and upon payment of the prescribed fee.

Reinstatement.

(2) Any person whose name has been removed from the register under section 15 (c) shall, if his appeal to the High Court is allowed, be forthwith reinstated without payment of any fee.

(3) The Board may in its discretion, after the expiration of not less than one year from the cancellation of registration of any person, consider any application for registration by that person in accordance with the provisions of Part III.

PART V

OFFENCES AND PENALTIES

Penalty for wilful falsification of register and for wrongfully procuring registration.

17. Any person who wilfully makes or causes to be made any false entry in or falsification of the register, or wilfully procures or attempts to procure for himself or any other person to be registered as a professional engineer under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any person who knowingly aids or assists therein shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Penalty when unregistered person practises as professional engineer.

18. Any person who not being registered as a professional engineer under this Act —

- (a) uses verbally or otherwise the title of professional engineer, or makes use of any addition to or abbreviation of that title, or of any words, name or designation that will lead to the belief that he is a registered professional engineer, or is entitled to practise as such;
- (b) advertises or holds himself out or conducts himself in any way or by any means as a registered professional engineer; or
- (c) engages in professional engineering work except under the direction or supervision of a registered professional engineer,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and for a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

Penalty for employing unregistered person as professional engineer.

19.—(1) No person shall employ as a professional engineer any person who has not been registered under this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and for a second or subsequent conviction to a fine not exceeding \$5,000.

PART VI

GENERAL

20. Every registered professional engineer shall be entitled to submit plans or drawings to any person or authority in Singapore according to his qualifications, subject to such restrictions as may be imposed by any rules made under this Act.

Privileges and restrictions of professional engineers.

21.—(1) All fees payable under this Act shall be paid to the Board to be applied in the first place to defraying expenses of registration and other expenses of the administration of this Act, including any expenses of the Board that may be allowed under any rules made under this Act and thereafter to providing scholarships and the promotion of learning and education in connection with engineering.

Application of fees, etc., received by Board.

(2) The Registrar shall take and receive all moneys payable to the Board under this Act.

(3) All fees and other moneys payable to the Board under this Act shall be paid forthwith into a bank account approved by the Minister.

(4) The Board may from time to time invest any moneys not immediately required by the Board in such trustees securities as the Board may determine.

(5) The Board shall keep full and proper accounts of all moneys received and expended by it and the accounts shall be audited by an auditor approved by the Minister.

22. The Board may, with the approval of the Minister, make rules —

Rules.

- (a) prescribing forms of application and certificates of registration under this Act;
- (b) prescribing the fees payable under this Act;
- (c) prescribing the subject matter of examinations to be conducted by or under the direction of the Board in the case of applicants or class of applicants for registration;
- (d) prescribing the form of the register to be kept and the particulars to be entered therein;
- (e) prescribing a code of professional conduct and ethics; and

- (f) generally providing for such other matters as may be necessary or expedient for carrying out the provisions of this Act.

Exemption
and saving as
to right of
Government.

23.—(1) The Minister may exempt subject to such conditions as he thinks fit any person or class of persons from sections 18 and 19 and from the provisions of any rules made under this Act.

(2) Nothing in this Act shall apply to anything done or omitted to be done under the authority of the Government.